



United States Department of the Interior
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

IN REPLY REFER TO:
SOL-2019-00064

February 11, 2019

Via email: 66624-10368538@requests.muckrock.com

Jimmy Tobias
MuckRock News
DEPT MR 66624
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Tobias,

On January 28, 2019, the U.S. Department of the Interior, Office of the Solicitor received your Freedom of Information Act (FOIA) request. In your request, you specifically ask for:

“Karen Budd-Falen’s official calendar/briefing book from November 1, 2018 to the date this request is processed.”

In processing your request, the Office of the Solicitor found 32 pages of responsive documents. Upon review, 32 pages are being released in part. The pages being released in part were redacted pursuant to Exemption 5, government commercial information privilege, and Exemption 6 which allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). Please see the documents attached.

Exemption 5 allows an agency to withhold inter-agency or intra-agency memoranda or letters which would not be available by law to a party in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney-client, and commercial information privileges.

Government Commercial Information Privilege

We are redacting pages under Exemption 5, the Government Commercial Information Privilege, because those pages contain conference call-in numbers and passcodes. Release of the conference call-in numbers and passcodes to the general public would enable any member of the public to call in and listen to communications on that call-in line, rendering the call-in line useless and requiring the Department to purchase a new replacement call-in line.

Personnel and Medical Files

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, mobile phone numbers and email addresses, and we have determined that the individuals to whom this information pertain have a substantial privacy interest in withholding it.

Lance Purvis, FOIA Officer, Office of the Solicitor, is responsible for making this decision. You may contact the FOIA Officer at sol.foia@sol.doi.gov for further assistance and to discuss any aspect of your request.

This concludes the Office of the Solicitor’s response to your request. The fee incurred in responding to your request is less than \$50 and is not being charged in accordance with 43 CFR 2.16(b)(2).

If you consider this response to be a denial of your request, you may appeal this response to the Department’s FOIA Appeals Officer. If you choose to appeal, the FOIA Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday. Your appeal must be in writing and addressed to:

FOIA Appeals Officer
U.S. Department of the Interior
1849 C Street, N.W., MS 6556
Washington, D.C. 20240
Phone: 202-208-5339
Fax: 202-208-6677
Email: FOIA.Appeals@sol.doi.gov

You must include with your appeal copies of all correspondence between you and the Office of the Solicitor concerning your FOIA request, including a copy of your original FOIA request and your denial letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. All communications concerning your appeal, including envelopes, should be clearly marked with the words "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the Office of the Solicitor's response is in error. For more information on FOIA Administrative Appeals, you may review the

Department's FOIA regulations at 43 C.F.R. Part 2, Subpart H.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Purvis", with a stylized flourish at the end.

Lance Purvis
Office of the Solicitor FOIA Officer